

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DELPINE ALLEN, et al.,  
Plaintiffs,  
v.  
CITY OF OAKLAND, et al.,  
Defendants.

MASTER CASE FILE  
NO. C00-4599 TEH

ORDER RE: DEFENDANTS'  
OCTOBER 26, 2012 RESPONSE  
TO COURT ORDER

On October 26, 2012, Defendants filed a timely response to this Court's October 18, 2012 order requiring Defendants to investigate the integrity of their email system after Chief of Police Howard Jordan asserted that he did not receive two emails from the Monitor. Defendants' response provides an explanation as to why those two emails were not received, but it raises another issue. Based on the declarations filed by Defendants, all email messages sent to Chief Jordan between October 27, 2011, and October 19, 2012, with any of four phrases in the subject line – "Stop the Excessive Police Force," "Respect the Press Pass," "Occupy Oakland," or "Police brutality" – were automatically routed to a junk mail folder. The Monitor's emails, as well as an email from the Mayor's Chief of Staff, appear to have been so routed, along with over 400 other emails. It is not clear from the declarations whether anyone has sorted through these messages to ensure that no legitimate complaints or messages containing other important information were ignored.

Accordingly, with good cause appearing, IT IS HEREBY ORDERED that the Monitor shall immediately investigate whether the Department has adequately reviewed and responded to these messages. In addition, Defendants shall work with the Monitor to ensure the systematic review of any email messages sorted as junk mail by any similar rules

1 currently enabled or that may be put into place in the future on the Chief's or any other City  
2 email accounts. The Monitor shall notify the Court of any corrective action that may be  
3 required.

4

5 **IT IS SO ORDERED.**

6

7 Dated: 11/06/12

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



THELTON E. HENDERSON, JUDGE  
UNITED STATES DISTRICT COURT